

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	: 12 Cr. 423 (AJN)
	:
– <i>against</i> –	:
	:
MINH QUANG PHAM,	: DECLARATION IN SUPPORT OF
	: DEFENDANT MINH QUANG PHAM’S
	: PRETRIAL MOTIONS TO DISMISS
	: COUNT 5-9, AND FOR PRODUCTION
	: AND IDENTIFICATION OF
	: <u>EXCULPATORY MATERIAL</u>
Defendant.	: (filed electronically)
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BOBBI C. STERNEHIM, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am a lawyer, and I was appointed in April 2015 pursuant to the Criminal Justice Act (“CJA”) to represent defendant Minh Quang Pham in the above-captioned case. I make this Declaration in support of Mr. Pham’s pretrial motions for an Order dismissing Counts Five, Six, Seven, Eight, and Nine of the Superseding Indictment (S-1), and the disclosure and identification of any and all exculpatory information and material, pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), and Rule 5(f), Fed.R.Crim.P.

2. As detailed and explained in the accompanying Memo of Law, there are multiple reasons why Mr. Pham’s pretrial motions should be granted. Among them, the Court’s September 24, 2020, Order (# 191) nullifying the Plea Agreement between Mr. Pham and the government negated any statute of limitations waiver in the Plea Agreement with respect to Counts Five through Nine. Additionally, the Court should order the Government to identify all *Brady* material, pursuant to Rule 5(f), Fed.R.Crim.P., in order to discharge the Government’s *Brady* obligations adequately.

3. Filed herewith are a Notice of Motion and a Memorandum of Law in support of these motions. The bases for the motions are set forth in detail below and in the accompanying Memorandum of Law, and it is respectfully requested that the facts set forth within the Memorandum of Law be incorporated by reference in this Declaration.

4. Also, appended to this Declaration are the following Exhibits – including copies of emails between the prosecutors in the case and myself, as well as letters to and from authorities in the United Kingdom – discussed in the accompanying Memo of Law:

Exhibit 1: email dated September 23, 2020, from Assistant United States Attorney Anna M. Skotko to me;

Exhibit 2: email dated September 23, 2020 from me to AUSA Skotko;

Exhibit 3: email dated September 23, 2020 from AUSA Skotko to me;

Exhibit 4: email dated January 29, 2020 from AUSA Skotko to me;

Exhibit 5: email dated August 28, 2020 from me to AUSA Skotko;

Exhibit 6: email dated October 26, 2020 from Assistant United States Attorney David W. Denton to me;

Exhibit 7: letter dated October 26, 2020 from Mr. Julian Gibbs, Head of Extradition at UK Central Authority, to Minh Quang Pham;

Exhibit 8: letter dated October 28, 2020 from me to Mr. Gibbs;

Exhibit 9: letter dated January 12, 2021 from Mr. Gibbs to the U.S. Embassy;

WHEREFORE, it is respectfully requested that the Court grant Mr. Pham's Pretrial Motions in their entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed August 30, 2021

/S/ Bobbi C. Sternehim
BOBBI C. STERNHEIM